

House Bill No. 256 introduced by Representative Gordon Hendrick

January 29, 2009

Chairperson Representative Elsie Arntzen and members of the committee. My name is Richard Grady, of 9312 Lincoln Road West, Canyon Creek Montana. I am submitting written testimony opposing House Bill 256. Given the State of the Economy locally and at the national level, this is not the time too allow local government the option of imposing fees for a service already being provided by though property taxes under a mill levy. Individuals are losing their jobs, private industry is struggling to meet payroll for its employees, a declining timber industry that may not survive in this state and the uncertain times the country is facing not since the 1930's this bill would not be in the best interest of the taxpayers.

Also the bill does not address the Board of Trustees under a Fire Service Area under state laws as another form of fire protection.

My family is involved in a ranching business that has over 18,000 acres of various classified forest, rangeland and agriculture ownership that is already taxed under the Canyon Creek Rural Fire District, and Montana Department of Natural Resources and Conservation (DNRC) under a forest fire assessment fee. The taxes on the residential building and improvements are also assessed for fire protection.

The Canyon Creek Rural Fire District has mutual aid with surrounding departments allowed under state law too provide additional response coverage and equipment.

I have attached supporting documentation of the taxable value by department, population served and the budget information of what the taxpayers are supporting for the Canyon Creek Rural Fire District within Lewis and Clark County.

The taxpayers over the years have approved special mill levies to help the Canyon Creek Rural Fire District on a new fire station, fire equipment purchases, along with supporting special fundraisers. Various individual have made special donations to the fire district to help with equipment purchases.

I served over 18 years of a volunteer Rural Fire Chief for the Canyon Creek Rural Fire District in which the budget was always able to meet the needs of the District operations and consider the impacts to the property owners.

Thank you for the opportunity to testify.

/s/ *Richard E. Grady*

Richard Grady

PO Box 547

Canyon Creek, Montana

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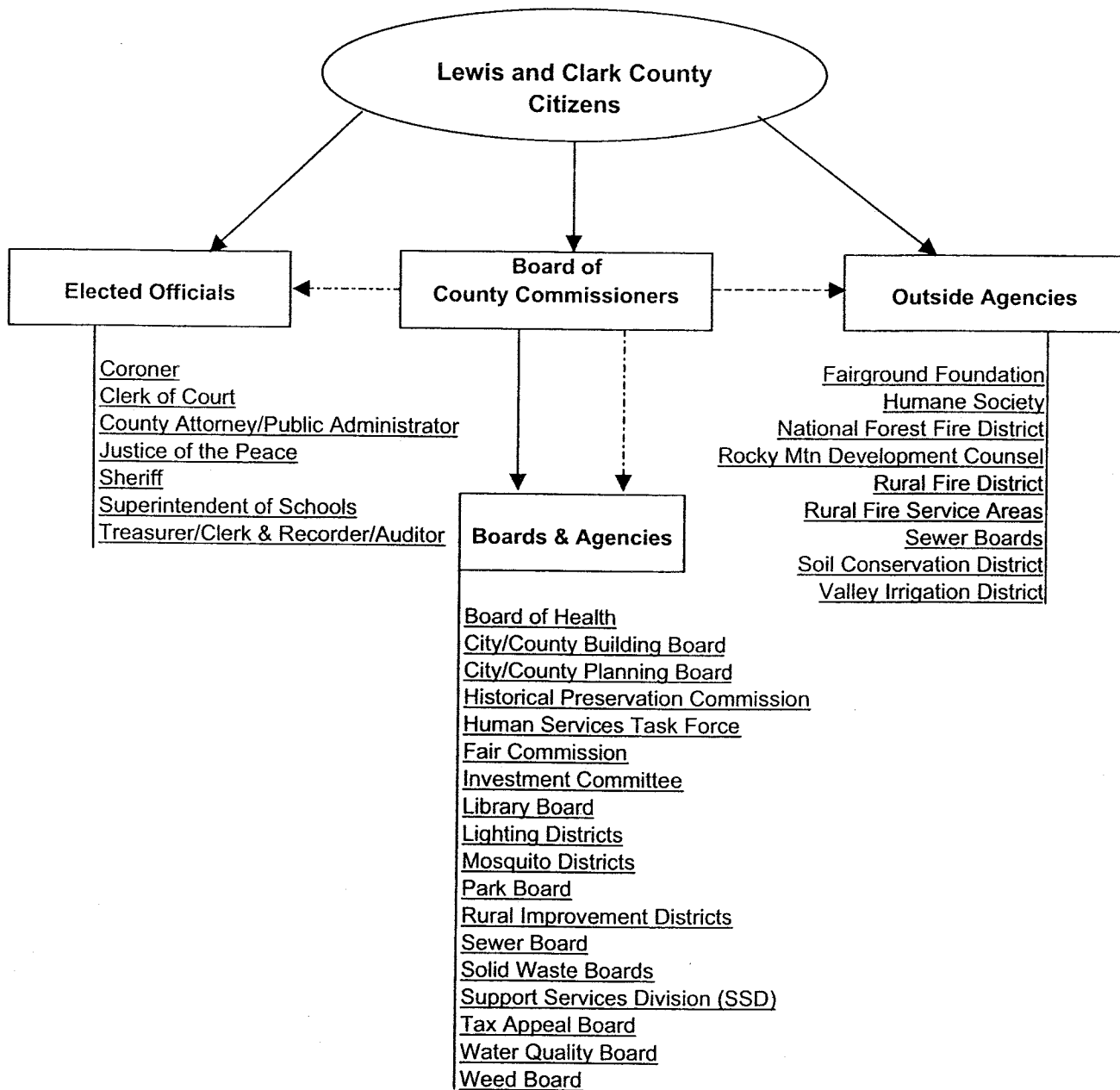
/s/ *Richard E. Grady*

Richard Grady

PO Box 547

Canyon Creek, Montana

Lewis and Clark County, Montana ORGANIZATIONAL CHART



- ▶ Direct Authority
- - - - -▶ Coordination
-▶ Budget Management

Figure 46: Population served by Fire Departments in Lewis and Clark County

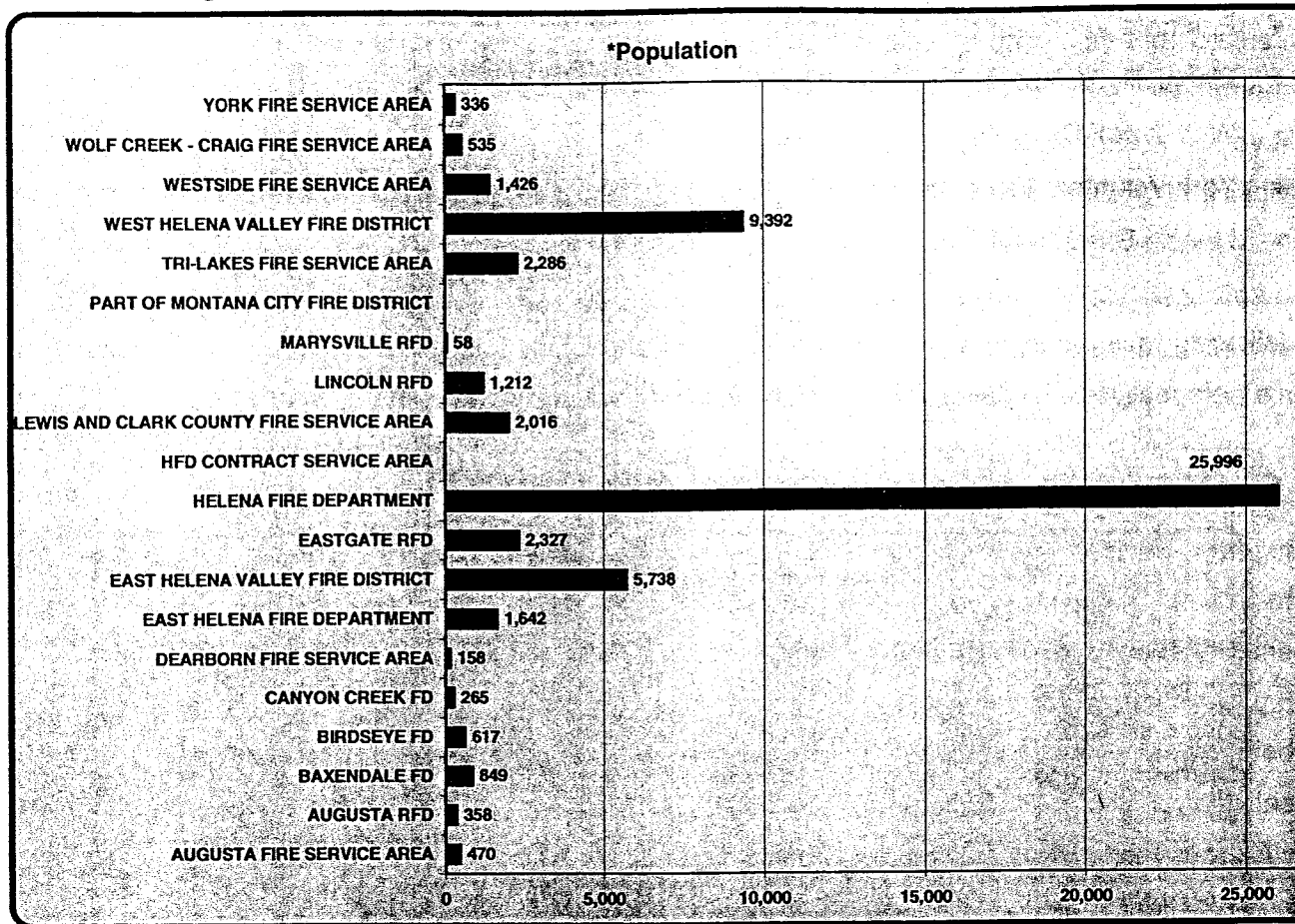
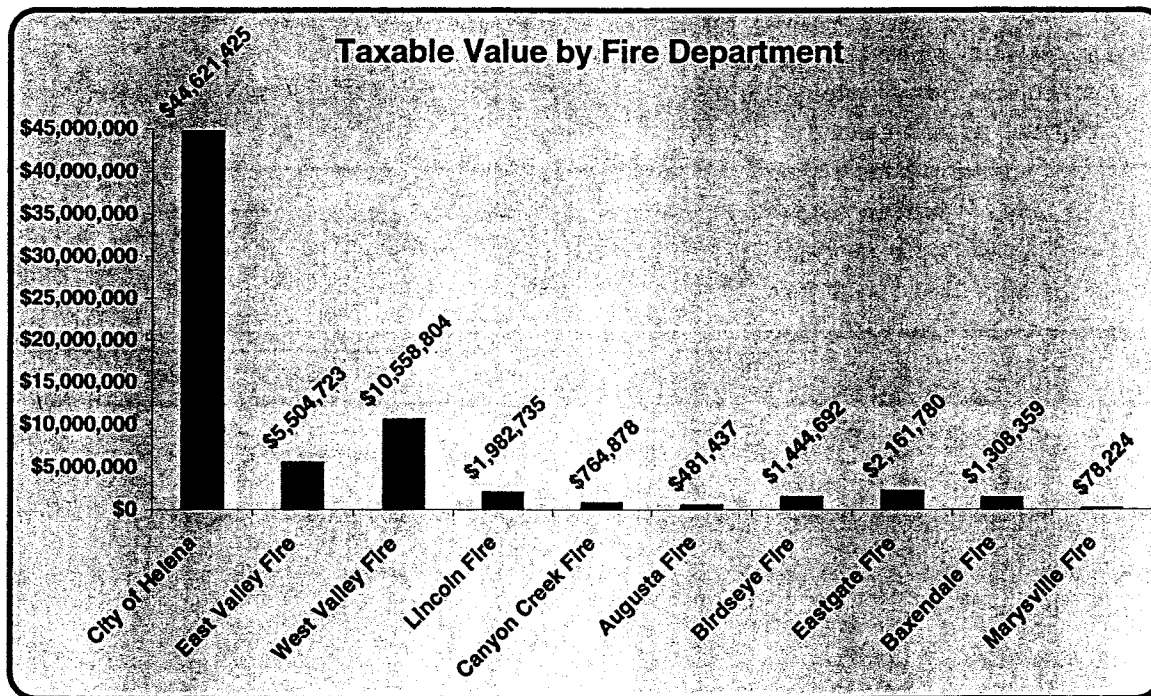


Figure 45: Taxable Value of Lewis and Clark County Fire Departments



The following table contains population data supplied by Lewis and Clark County. It is sourced from the population figures based on 2000 Census Block data and the numbers are approximate. This is one measure to gain a perspective of the population served by the fire departments in the county.

Lewis and Clark County, Montana
TRUST AND AGENCY FUNDS
Fiscal Year 2008 Fund Summary

Fund Number	Fund Name	Appropriation	Total Required	Cash Available	Total Revenues	Total Resources	FY2008	
							Mill Levy	Mill Value
720	Augusta Fire	64,201	64,201	46,837	17,364	64,201	12.00	\$1,447
735	Augusta Rural Fire	41,716	41,716	19,666	22,050	41,716	Fee	Variable
723	Baxendale Fire	92,014	92,014	24,479	67,535	92,014	46.32	\$1,458
726	Birdseye Fire	90,060	90,060	36,663	53,397	90,060	32.46	\$1,645
727	Wolf Creek/Craig	92,485	92,485	56,955	35,530	92,485	Fee	\$55
728	York Fire	66,961	66,961	31,561	35,400	66,961	Fee	\$150
729	Canyon Creek Fire	57,925	57,925	26,109	31,816	57,925	24.38	\$1,305
730	Dearborn Fire	6,431	6,431	5,231	1,200	6,431	Fee	\$75
722	Eastgate Fire	254,278	254,278	109,383	144,895	254,278	40.85	\$3,547
725	East Helena Valley Fire	479,415	479,415	304,824	174,591	479,415	17.01	\$10,264
731	Westside Fire	134,227	134,227	43,634	90,593	134,227	Fee	Variable
370	L & C Fire Service Area	78,325	78,325	22,875	55,450	78,325	Fee	Variable
737	Tri-Lakes Fire	301,291	301,291	78,231	223,060	301,291	Fee	Variable
732	Lincoln Fire	72,653	72,653	32,695	39,958	72,653	15.17	\$2,634
734	Marysville Fire	13,371	13,371	7,367	6,004	13,371	58.29	\$103
733	West Helena Valley Fire	655,961	655,961	416,338	239,623	655,961	16.56	\$14,470
740	Helena Valley Irrigation	381,067	381,067	125,751	255,316	381,067	Fee	\$16.51
741	HV Irrigation Contract	37,974	37,974	15,549	22,425	37,974	Fee	\$1.45
743	Conservation District	86,050	86,050	344	85,706	86,050	2.69	\$31,861
742	Augusta Cemetery	12,930	12,930	7,235	5,695	12,930	1.12	\$5,085

Lewis and Clark County, Montana
TRUST AND AGENCY FUNDS
Fiscal Year 2007 Fund Summary

Fund Number	Fund Name	Appropriation	Total Required	Cash Available	Total Revenues	Total Resources	FY2007	
							Mill Levy	Mill Value
720	Augusta Fire	53,007	53,007	36,389	16,618	53,007	11.67	\$1,424
735	Augusta Rural Fire	39,016	39,016	16,966	22,050	39,016	Fee	Variable
723	Baxendale Fire	127,481	127,481	63,759	63,722	127,481	44.78	\$1,423
726	Birdseye Fire	75,608	75,608	24,979	50,629	75,608	32.58	\$1,554
727	Wolf Creek/Craig	81,204	81,204	45,674	35,530	81,204	Fee	\$55
728	York Fire	58,871	58,871	23,471	35,400	58,871	Fee	\$150
729	Canyon Creek Fire	51,291	51,291	21,254	30,037	51,291	24.46	\$1,228
730	Dearborn Fire	1,200	1,200	0	1,200	1,200	Fee	\$75
722	Eastgate Fire	218,609	218,609	83,350	135,259	218,609	40.40	\$3,348
725	East Helena Valley Fire	401,906	401,906	238,970	162,936	401,906	17.09	\$9,534
731	Westside Fire	103,382	103,382	12,789	90,593	103,382	Fee	Variable
370	L & C Fire Service Area	74,726	74,726	19,276	55,450	74,726	Fee	Variable
737	Tri-Lakes Fire	388,174	388,174	165,114	223,060	388,174	Fee	Variable
732	Lincoln Fire	86,108	86,108	47,602	38,506	86,108	15.16	\$2,540
734	Marysville Fire	13,381	13,381	7,640	5,741	13,381	60.43	\$95
733	West Helena Valley Fire	602,185	602,185	366,145	236,040	602,185	16.57	\$14,245
740	Helena Valley Irrigation	410,625	410,625	155,309	255,316	410,625	Fee	\$16.51
741	HV Irrigation Contract	49,986	49,986	27,561	22,425	49,986	Fee	\$1.45
743	Conservation District	69,968	69,968	412	69,556	69,968	1.64	\$42,412
742	Augusta Cemetery	11,871	11,871	6,945	4,926	11,871	1.10	\$4,478

2009 Montana Legislature

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HOUSE BILL NO. 256

INTRODUCED BY G. HENDRICK

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BOARD OF COUNTY COMMISSIONERS OR THE TRUSTEES OF A RURAL FIRE DISTRICT, IF A DISTRICT IS GOVERNED BY TRUSTEES, TO ESTABLISH AND CHARGE FEES FOR PROVISION OF CERTAIN EMERGENCY SERVICES; AMENDING SECTIONS 7-33-2105 AND 7-33-2109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2105, MCA, is amended to read:

"7-33-2105. Powers and duties of trustees. (1) The trustees:

(a) shall prepare and adopt suitable bylaws;

(b) have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities, including real property and emergency medical services and equipment, for the protection of the district;

(c) may appoint and form fire companies that have the same duties, exemptions, and privileges as other fire companies for retirement purposes only;

(d) shall prepare annual budgets and request special levies for the budgets. The budget laws relating to county budgets must, as far as applicable, apply to fire districts. *what about Fire Service Areas?*

(e) may enter into contracts as provided in 7-33-2107; ~~and~~

(f) may pledge income to secure financing of the district as provided in 7-33-2109; and

(g) may establish and charge fees for certain emergency services. The fees must be commensurate to the cost of the emergency services provided.

(2) All money received by the trustees must be deposited in the county treasurer's office and credited to the fire district."

Section 2. Section 7-33-2109, MCA, is amended to read:

"7-33-2109. Tax levy, debt incurrence, fees, and bonds authorized – voted levy for volunteer firefighters' disability income coverage. (1) At the time of the annual levy of taxes, the board of county

commissioners may, subject to 15-10-420, levy a tax upon all property within a rural fire district for the purpose of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency response apparatus, for the district or for the purpose of paying to a city, town, or private fire service the consideration provided for in any contract with the council of the city, town, or private fire service for furnishing fire protection service to property within the district. The tax must be collected as are other taxes.

(2) The board of county commissioners or the trustees, if the district is governed by trustees, may establish and charge fees for certain emergency services as provided for in 7-6-4013. The fees must be commensurate to the cost of the emergency services provided.

~~(2)~~(3) Subject to 15-10-425, the board of county commissioners may levy a tax upon all taxable property within a rural fire district for the purpose of purchasing disability income insurance coverage for the volunteer firefighters of the district as provided in 7-6-621.

~~(3)~~(4) The board of county commissioners or the trustees, if the district is governed by trustees, may pledge the income of the district, subject to the requirements and limitations of 7-33-2105(1)(d), to secure financing necessary to procure equipment and buildings, including real property, to house the equipment.

~~(4)~~(5) In addition to the levy authorized in subsection (1), a district may borrow money by the issuance of bonds to provide funds for the payment of all or part of the cost of buying or maintaining fire protection facilities, including real property, and apparatus, including emergency response apparatus, for the district.

~~(5)~~(6) The amount of debt incurred pursuant to subsection ~~(3)~~ (4) and the amount of bonds issued pursuant to subsection ~~(4)~~ (5) and outstanding at any time may not exceed 1.1% of the total assessed value of taxable property, determined as provided in 15-8-111, within the district, as ascertained by the most recent assessment for state and county taxes prior to the incurrence of debt or the issuance of the bonds.

~~(6)~~(7) The bonds must be authorized, sold, and issued and provisions must be made for their payment in the manner and subject to the conditions and limitations prescribed for the issuance of bonds by counties under Title 7, chapter 7, part 22."

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 4. Applicability. [This act] applies to emergency services provided after [the effective date of this act].

- END -

Processed for the Web on January 14, 2009 (5:40pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

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